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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY

In the Matter of the Suspension or)
Revocation of the License of

LOUIS F. COLELLA, D.M.D.)

To Practice Dentistry in the)
State of New Jersey)

Administrative Action

ORDER ENTERING DEFAULT
AND
IMPOSING SANCTIONS

This matter was opened to the New Jersey State Board of Dentistry (hereinafter, sometimes "Board") by the Administrative Complaint of Peter N. Perretti, Jr., Attorney General of New Jersey by Kathy Rohr, Deputy Attorney General, against Louis F. Colella, D.M.D. (hereinafter, sometimes "respondent"). The Complaint, filed on October 20, 1989, alleged that respondent engaged in the use or employment of dishonesty, fraud, deception or misrepresentation in violation of N.J.S.A. 45:1-21(b) and engaged in professional misconduct in violation of N.J.S.A. 45:1-21(e) and N.J.A.C. 13:30-8.12. Respondent neither filed an Answer to the Complaint or entered a plea to the charges in the Complaint.

A hearing in this matter was held on January 3, 1990. Deputy Attorney General Kathy Rohr appeared on behalf of the complainant; respondent did not appear. The following exhibits were admitted into evidence:

S-1

Affidavit of Service dated October 26, 1989 and signed by Luis Inoa, Special Investigator, Division of Consumer Affairs, Enforcement Bureau attesting that the Administrative Complaint and the Notice of Hearing and Notice to Enter Plea were personally served

on October 25, 1989 on a person who identified himself as Louis F. Colella, D.M.D. Attached to the Affidavit of Service is a copy of the Administrative Complaint and the Notice of Hearing and Notice to Enter Plea bearing the signature of Louis Colella acknowledging receipt of the documents.

S-2

Affidavit of Service dated December 13, 1989 and signed by Joseph Agabiti, Inspector, Division of Consumer Affairs, Enforcement Bureau attesting that a letter advising Dr. Colella of the date scheduled for the hearing in this matter was personally served on December 13, 1989 on a person who identified himself as Louis Colella. Attached to the Affidavit of Service is a copy of the letter advising Dr. Colella of the hearing date bearing the signature of Louis Colella acknowledging receipt of the letter.

S-3

Letter dated February 12, 1987 from Robert J. Ott, D.D.S., Senior Vice President, Professional Services, Delta Dental Plan of New Jersey, Inc. concerning Delta Dental Plan's complaint against Dr. Louis Colella. Attached to this letter are: a letter dated January 15, 1987 from John A. Carollo, D.M.D. to New Jersey Dental Service Plan; an insurance claim form for patient Patricia Hansen signed by Louis Colella on December 17, 1985; and X-rays of Patricia Hansen taken by Dr. John Carollo.

S-4

Letter dated May 24, 1989 from Robert J. Ott, D.D.S., President, Delta Dental Plan of New Jersey, Inc. concerning Delta Dental Plan's complaint against Dr. Louis Colella. Attached to this letter is a photocopy of a check issued by Dr. Louis Colella to Delta Dental Plan of New Jersey.

S-5

Handwritten letter from Louis Colella in response to Delta Dental Plan's complaint. Attached to this letter are: copies of the patient record of Patricia Hansen and X-rays of Patricia Hansen taken by Dr. Colella.

No testimony was presented.

The Board conducted its deliberations in Executive Session on January 3, 1990 and announced its decision in public session on that date. This Order memorializes the Board's decision announced in Public Session on January 3, 1990.

In consideration of the record herein, the Board makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Louis Colella, D.M.D., is a licensed dentist in the State of New Jersey and has been a licensee during all times pertinent hereto.

2. The Administrative Complaint and Notice of Hearing and Notice to Enter Plea in this matter were served on Dr. Colella on October 25, 1989; service was effected by an Investigator of the Division of Consumer Affairs Enforcement Bureau who hand delivered the Administrative Complaint and Notice of Hearing and Notice to Enter Plea to Dr. Colella. Dr. Colella acknowledged receipt of the Administrative Complaint and Notice of Hearing and Notice to Enter Plea by signing a copy of the Administrative Complaint.

3. Dr. Colella failed to file an Answer, enter a plea or respond in any manner whatsoever to the Complaint filed herein.

4. Dr. Colella was notified by letter dated December 7, 1989 of a January 3, 1990 hearing date in this matter. The letter was hand delivered to Dr. Colella on December 13, 1989

by an Inspector of the Division of Consumer Affairs Enforcement Bureau. Dr. Colella acknowledged receipt of the letter by signing a copy of the letter.

5. Dr. Colella failed to appear at the hearing convened on January 3, 1990.

6. Dr. Colella having failed to file an Answer to the Complaint or appear at the hearing, the allegations of the Complaint are deemed admitted. The record herein shows that on or about December 17, 1985, respondent submitted a claim form to the New Jersey Dental Service Plan, Inc. (patient Patricia Hansen's insurance carrier) which contained a claim for benefits for services which were not performed. More specifically, respondent submitted a claim for payment for full cast crowns on teeth numbered 15, 18 and 19 at a charge of \$350.00 for each crown. New Jersey Dental Service Plan paid respondent \$162.50 per crown for a total of \$487.50. No crowns were ever inserted on teeth numbered 15, 18 and 19. Respondent reimbursed \$487.50 to the N.J. Dental Service Plan.

CONCLUSIONS OF LAW

1. Dr. Colella received sufficient notice of the charges against him and was afforded an opportunity to be heard on those charges.

2. Dr. Colella's submission of a claim for benefits to the patient's insurance carrier (New Jersey Dental Service Plan) for services which were not in fact performed constitutes the use or employment of dishonesty, fraud, deception or

misrepresentation in violation of N.J.S.A. 45:1-21(b) and professional misconduct within the meaning of N.J.S.A. 45:1-21(e) and N.J.A.C. 13:30-8.12.

3. Each of the false representations and submissions to the insurance carrier constitutes a separate offense within the meaning of N.J.S.A. 45:1-25.

Based on the above Findings of Fact and Conclusions of Law,

IT IS ON THIS 9th DAY OF JANUARY, 1990,

HEREBY ORDERED THAT:

1. A default be and is hereby entered against Louis F. Colella, D.M.D.

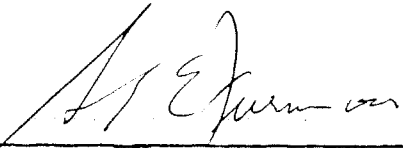
2. Dr. Colella's license to practice dentistry in the State of New Jersey is hereby suspended pending his appearance before the State Board of Dentistry. Dr. Colella shall notify the Executive Director of the Board of Dentistry of his request to appear before the Board; the Executive Director shall schedule such appearance within a reasonable time. The Board will determine at that time what action it will take, if any, in addition to the sanctions imposed herein.

3. Dr. Colella is hereby assessed a civil penalty in the amount of \$7500.00. The civil penalty shall be submitted to the Board of Dentistry, Room 510, 1100 Raymond Boulevard, Newark, New Jersey 07102, by certified check or money order payable to the State of New Jersey within thirty (30) days

of the date of service of this Order on Dr. Colella.

4. Dr. Colella is hereby assessed all costs of this action. The Executive Director of the Board of Dentistry shall notify respondent of the amount of costs. Payment of the costs shall be submitted to the Board of Dentistry, Room 510, 1100 Raymond Boulevard, Newark, New Jersey 07102 by certified check or money order made payable to the State of New Jersey within thirty (30) days of respondent 's receipt of notification of the amount of the costs.

5. This Order shall be personally served on Dr. Colella by a representative of the Division of Consumer Affairs Enforcement Bureau. At the time of service of this Order, the Investigator shall obtain from Dr. Colella any and all wall certificates including his dental license and/or registration certificate.



SAMUEL E. FURMAN, D.D.S.
PRESIDENT
STATE BOARD OF DENTISTRY